

106

CAP. IV.

Where the Wife shall be endowable of Lands, recovered against her Husband. Where the Heir may avoid a Dower recovered. A Remedy for particular Tenants losing by Default.

In case where the Husband, being impleaded for Land, giveth up the Land demanded unto his Adversary by Covin; after the Death of the Husband, the Justices shall award the Wife her Dower, if it be demanded by Writ. (2) But in case where the Husband loseth the Land in demand by Default, if the Wife, after the Death of her Husband, demandeth her Dower, it hath been proved, that some Justices have awarded unto the Woman her Dower notwithstanding the Default which her Husband made, other Justices being of the contrary Opinion, and judging otherwise. To the intent that from henceforth such Ambiguity shall be taken away, it is thus ordained in certain, that in both Cases the Woman demanding her Dower shall be heard. (3) And if it be alledged against her, that her Husband lost the Land, whereof the Dower is demanded by Judgment, whereby she ought not to have Dower, and then it be

In casu quando vir implacitatus de tenemento reddit tenementum petatum suo adversario de plano post mortem viri justiciarii adjudicant mulieri dotem suam si per breve queratur. Set in casu quando vir amittit tenementum petatum per defaultam si mulier post mortem viri sui petat dotem compertum est quod per aliquos justiciarios adjudicata fuerit dos mulieri petenti non obstante defaulta quam vir suus fecit aliis justiciariis in contraria opinione existentibus & contrarium judicantibus. Ut de cetero amputetur hujus ambiguitas sic in certo ordinatum est quod in utroque casu audiat mulier que dotem petit. Et si excipiat contra ipsam quod vir ipsum tenementum unde dos petita est amisit per judicium per quod dotem habere non debet & si queratur